

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 2001-632

February 19, 2002

MAINE PUBLIC UTILITIES COMMISSION  
Designation of Confidential Information  
Pursuant to 35-A M.R.S.A. § 1311-B

ORDER

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WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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**I. SUMMARY**

In this Order, we designate information about utility technical operations communicated as part of the National Infrastructure Protection Center (NIPC) InfraGard program, as confidential pursuant to our authority under 35-A M.R.S.A. § 1311-B.

**II. DISCUSSION AND DECISION**

In response to the World Trade Center and Pentagon terrorist attacks on September 11, 2001, the Commission has entered into an agreement with the Federal Bureau of Investigation (FBI) to participate in the NIPC InfraGard Program. That program is a cooperative undertaking that provides for an exchange of information about threats to and actual attacks on critical infrastructures that include, inter alia, telecommunications, electrical power, gas storage and delivery, and water supply systems.

Under 35-A M.R.S.A. § 1311-B, if the Commission determines that public access to specific information about public utility technical operations could compromise the security of public utility systems to the detriment of the public, the Commission may designate the information as confidential. The Commission will receive such information as part of the InfraGard program. We hereby designate that information, and any documents based on or created from that information, as confidential pursuant to 35-A M.R.S.A. § 1311-B(1). As provided in that section, such information is not a public record subject to disclosure under 1 M.R.S.A. §§ 401 – 408.

Dated at Augusta, Maine, this 19<sup>th</sup> day of February, 2002

BY ORDER OF THE COMMISSION

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Raymond J. Robichaud  
Assistant Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Nugent  
   Diamond

## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.